

REMARKS

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3 1. The Office Action of August 18, 2004 is hereby acknowledged. This Amendment
4 Under 37 C.F.R. § 1.111 is being mailed by Express Mail, Mail Label No. EV 312737003 US,
5 addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450
6 on November 16, 2004. The shortened statutory period of three (3) months time period for
7 response to this Office Action expires on November 18, 2004. Therefore, this amendment this
8 Amendment is timely filed. In the event that the Commissioner for Patents should determine
9 that any extension of time is required for this Amendment to be timely filed and an appropriate
10 fee is due for that extension of time, then the Commissioner for Patents is hereby authorized to
11 charge Deposit Account Number 18-2222 for such appropriate fee.

12
13 2. The original '720 Application had a total of 34 claims wherein 5 were
14 independent claims. Through this amendment no claims have been added or cancelled. The
15 '720 Application now has a total of 34 total claims wherein 5 are independent claims.
16 Therefore, no additional fee is due. In the event that the Commissioner for Patents should
17 determine that any additional fee is due, then the Commissioner for Patents is hereby authorized
18 to charge Deposit Account Number 18-2222 for the appropriate fee.

19
20 3. The Patent Examiner's detailed analysis of the '720 Application is acknowledged
21 with appreciation. The Patent Examiner has rejected Independent Claim 15 and dependent
22 Claims 17 through 21, and Independent Claim 28 and dependent Claims 30 through 34 as being
23 obvious under 35 U.S.C. § 103(a) based on a combination of United States Patent 6,473,911 B2
24 issued to Weiss on November 5, 2002 for "DISPOSABLE, COMPACT, PORTABLE
25 TODDLER-SIZE TOILET SEAT PROTECTOR" (hereafter "Weiss Patent"), combined with
26 United States Patent 1,996,950 issued to Brooke, Jr. on April 9, 1935 for 'TOILET SEAT
27 COVER" (hereafter "Brooke, Jr. Patent").
28

1 The Examiner has also rejected Independent Claim 1 and its dependent Claims 2 through
2 6, Independent Claim 7 and its dependent Claims 8 through 14, and dependent Claims 16 and 19
3 under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to Claim 1 above and
4 further in view of United States Design Patent Des. 346,206 issued to Crossley et al. on April 19,
5 1994 for "TOILET SEAT FOR A CHILD" (hereafter "Crossley Patent").

6 The Examiner has rejected dependent Claims 22 through 27 as being unpatentable over
7 Weiss, as applied above, in view of Crossley et al., as applied above.

8 The Applicant has amended all of the independent claims of invention to either more
9 positively claim as opposed to being in a "whereby" clause certain limitations and to add
10 additional limitations into the independent claim. It is respectfully submitted that the novel
11 features of the present invention with respect to a disposable toilet seat adapter are as follows:

12 3.01 A key novel feature of the present invention is that the adapter contains
13 front flap extensions which are compressed between the toilet seat rim and the toilet seat spacer
14 by the weight of a child seated on the barrier to thereby retain the adapter in place on the toilet
15 seat or alternatively, the front flap is compressed between the toilet seat rim and the toilet seat by
16 the weight of a child seated on the barrier to thereby retain the adapter in place on the toilet seat.
17 This is a key innovative novel feature that is not disclosed or made obvious by any combination
18 of the cited references as will be discussed in detail below.

19 3.02 The second key innovative feature is that the toilet seat with handles is made
20 from a single sheet of foldable material. None of the prior art patents show a toilet seat with
21 handles to enable the child to grasp onto the toilet seat to steady themselves on the toilet seat,
22 which toilet seats are made from a single sheet of foldable material. The Crossley Patent is very
23 obviously a plastic toilet seat adapter and not made from a single sheet of foldable material.

24
25 4. The Applicant will now discuss each of the cited references and why they do not
26 disclose the key innovative features of the present invention.

27 4.01 The Weiss Patent is a disposable toilet seat which as is clearly shown in
28 Figure 2 is a disposable toilet seat that sits over the toilet and has side flaps 22A and 22B which

1 sandwich either sides of the toilet seat between the side flaps. This is best illustrated in Figure 3.
2 Therefore, there is no way for the toilet seat adapter to be to be securely retained on the toilet
3 seat rim by the embodiment in the Weiss Patent. The Examiner admits this by saying that the
4 Weiss Patent does not show the front flap being sandwiched as set forth in Claim 15.

5 4.02 Referring to the Brooke, Jr. Patent, the Examiner maintains that Brooke, Jr.
6 teaches that missing from Weiss is the provision of the front flap having extension 8 employed
7 to secure a seat cover under the toilet seat by being secured by the weight of the user. It is
8 respectfully submitted that the Examiner has not carefully understood the Brooke, Jr. Patent.
9 The Brooke, Jr. Patent does not relate to a toilet seat adapter. It is a toilet seat cover which is a
10 standard paper toilet seat cover that is commonly used today. The purpose of the fold-under flap
11 8 in the Brooke, Jr. Patent is to prevent the toilet seat cover from shifting as the person sits on
12 the toilet seat. Once seated, the thin paper liner can be easily shifted out of position by
13 movement of the user, notwithstanding the fold-under flap because clearly, the thin paper liner
14 can easily tear as the user is moving on the toilet seat and the purpose of the liner is not to
15 support the user on the toilet seat as with the adapter of the present invention, but instead, to
16 simply provide a shield between the buttocks of the user and the rim of the toilet seat.

17 Referring specifically to the Brooke, Jr. Patent, Column 1, Lines 20 through 31, it
18 states "As is well known the direction of movement of the user is downward and as a rule
19 slightly rearwardly, and most seat covers heretofore have been provided with some attaching
20 means at the rear, in which event the cover is very apt to also move rearwardly, hence it is
21 another purpose to provide an attaching means for the cover, as forming a part of the cover itself
22 in conjunction with the bumpers on the under surface of the seat, thereby preventing the cover
23 from moving rearwardly with the movement of the body of the user."

24 This is very clearly shown in detail in Column 2 beginning on Line 27 and
25 continuing to Line 38 where the Brooke, Jr. Patent states "This cover when applied is disposed
26 upon the seat so that its opening will substantially register with the opening in the seat, in which
27 event the forward leaf 7 of the cover may be folded under the forward end of the seat, in which
28 case the remote side portions 8 may engage between the rubber bumpers 9 on the under surface

1 of the seat and the edge of the bowl or hopper and by the disposition of these remote sides the
2 cover is prevented from moving rearwardly as the user is assuming a sitting posture.” Therefore,
3 it is abundantly clear that what Brooke, Jr. had in mind was to have the fold-under flap retain the
4 toilet seat cover in place so that it will not fly off or move as a person is in the act of sitting down
5 on the cover which has previously been placed on the toilet seat. Since smaller children are
6 generally lifted into place by an adult, parent or guardian, and since the adapter material is much
7 heavier to support the weight of the child, movement of the adapter of the present invention
8 while the person is being seated on the adapter is not likely. Brooke, Jr.’s flap was never
9 intended to provide a secure covering for retaining the weight of a child on the toilet since the
10 entire purpose of Brooke’s invention was as a toilet seat cover to provide a shield between the
11 person’s buttocks and the rim of the toilet seat.

12 Therefore, the Examiner is simply incorrect in stating that the front flap extension
13 of Brooke, Jr. discloses or makes obvious the present invention because the front flap in Brooke,
14 Jr. is a totally different type of front flap with a totally different type of structure for a totally
15 different type of purpose.

16 4.03 The Examiner has cited the Crossley Patent because it discloses handles on
17 the toilet seat. The Crossley Patent is clearly a design patent, not a utility patent, however it is
18 abundantly clear by examining the Crossley Patent that it is not a foldable structure made from a
19 single sheet of foldable material, thereby also lending itself to a disposable and/or highly
20 portable device, but rather is a product design clearly dependent upon a firm material, probably
21 molded, so as to be unhindered in the inclusion and placement of its various components. The
22 important aspect of including handles in a child’s toilet seat adapter made from a single sheet of
23 foldable material is not the concept of handles in general, but how to engineer them into the
24 product. When dealing with a product made from a single sheet of foldable material such as the
25 present invention, a product made from a single blank cannot be folded to go in two directions at
26 the same time, i.e. a fold must go either up or down, it cannot go both ways. An examination of
27 the cited Weiss Patent clearly shows that Weiss could not have included handles in the design of
28 Weiss because the front sides fold down as is evidenced by flaps 22A and 22B and 24A and 24B

1 and therefore, could not also fold up to provide handles. It would not be possible to provide a
2 design of handles in the Weiss concept. The Brooke, Jr. Patent obviously had no envisioning of
3 handles because there was no purpose for it as the seat cover serves a totally different purpose
4 than the adapter of the present invention. Therefore, the incorporation of handles into a product
5 made from a single sheet of foldable material is new and unique because no one has conceived
6 of the concept of including handles in such a product.

7
8 5. Accordingly, these limitations have been added into the independent claims to
9 make them allowable over the prior art. Specifically, with respect to Independent Claim 1, the
10 limitation concerning the extensions of the rims folded between the spacer and toilet seat rim is
11 included at the end of element "b" and the new element that the toilet seat adapter is made from
12 a sheet of foldable material is added as new element "e". The concept of the handles is already
13 contained in elements "c" and "d". Therefore, Claim 1 and its dependent claims are clearly
14 allowable over all of the cited references for the reasons as set forth above.

15
16 6. With respect to Independent Claim 7, the concept of having the front flap
17 compressed between the toilet seat and the toilet seat rim has been added to the end of claim
18 element "b" and a new claim element "e" stating that this toilet seat adapter is made from a sheet
19 of foldable material has also been added. Elements "c" and "d" already contain the concept of
20 having the handles. Therefore, Claim 7 is clearly allowable over all of the above cited
21 references and also its dependent claims are allowable over the cited references.

22
23 7. With respect to Independent Claim 15, Independent Claim 15 has now had added
24 the concept of the front flap extensions compressed between the toilet seat rim and the toilet seat
25 spacers to retain the toilet seat thereon added to the end of claim element "b" and new claim
26 element "c" has been added to include that the toilet seat adapter is made from a sheet of
27 foldable material. Therefore, even though the handles are not part of Independent Claim 15, the
28 two key concepts of the extensions being sandwiched between the toilet seat rim and the toilet

1 seat spacers clearly makes it unique and novel and the fact that it is made from a sheet of
2 foldable material also makes it unique and novel as this combination has not been disclosed in
3 any combination of the cited references.

4
5 8. With respect to Independent Claim 22, new element "d" has been added to show
6 that the toilet seat is made from a sheet of foldable material. Independent Claim 22 now has the
7 concept of having the handles as originally claimed in elements "b" and "c" and making the
8 toilet seat adapter made from a sheet of foldable material which is clearly discussed above shows
9 that the combination of having handles and the product made from a single sheet of foldable
10 material is not disclosed or made obvious by any combination of the prior cited references.
11 Therefore, Claim 22 and its dependent Claims 23 through 27 are allowable.

12
13 9. With respect to Claim 28, once again, the limitation has been added to the end of
14 claim element "b" that the front flap is compressed between the toilet seat and the toilet seat rim
15 to retain the adapter in place by the weight of a child on the toilet seat adapter and the fact that
16 the adapter is made from a sheet of foldable material has been added through a new claim
17 element "c". Therefore, the combination of having the retention members and the single sheet of
18 foldable material of the toilet seat adapter have been added to Claim 28 which clearly makes it
19 allowable over the prior art references for all the reasons as set forth above. Therefore, Claims
20 28 and its dependent Claims 29 through 34 have been allowed.

21
22 10. There is support in the patent text for the adapter being made from a single sheet
23 of foldable material on page 4, Line 3 and Page 5, Lines 9 and 10.

11. Therefore, for all of the above-referenced reasons, it is respectfully submitted that all of the remaining claims of invention in the case which are Claims 1 through 34 are all allowable and issuance of a notice of allowance is respectfully solicited.

Respectfully submitted,

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